

From: Powell-Dickson, Antoinette

Sent: Wednesday, October 16, 2019 09:03 PM

To: Jessica Christy; Peter Zalzal; Benjamin Levitan

CC: Mia, Marcia; Scinta, Robert; Newman, Maya; Battle, Jernell; Cox, John; Albergottie, Daniele

Subject: Response to clarification comments for EPA-HQ-2019-001669

Ms. Christy,

On September 26, 2019, EPA sent you a clarifying email outlining the collection process for records responsive to your request. In that email, EPA Headquarters (OECA) committed to the following:

Performance Tests

EPA stated that all performance tests are publicly available. You were directed to Webfire to obtain copies of the reports.

Semi-annual, Annual, and Annual for Sweeteners Reports

The 0000a reports are submitted to the appropriate regional office and not to OECA in headquarters. The reports are publicly available through Webfire.

On the call you also indicated that you wanted copies of reports that were not online. We stated that for any paper reports, OECA would task the regions to produce responsive paper records within the six (6) month extension timeframe. The production of the reports would consist of:

All hard copy reports filed with the region after November 21, 2017 until September 11, 2019 and has not been uploaded to CEDRI:

- semiannual reports required by 40 C.F.R. § 60.5422(a)
- annual reports, required by 40 C.F.R. § 60.5420a(b)
- annual reports of excess emissions for sweetening Units, as required by 40 C.F.R. § 60.5423a(b)

We explained that while the publicly available reports had been vetted for potential CBI, the paper records have not. The paper records for the 0000a reports may need to go through a CBI review process before the regions could release them.

Correspondence

EPA agreed to search for responsive HQ correspondence once search terms were agreed upon. We carefully reviewed your request for copies of all internal correspondence between EPA and outside parties containing reference to the new source performance standards and the search terms provided. We determined that your search terms would result in a collection of correspondence which would be overly broad and largely non-responsive. We proposed narrowing the search terms to the following:

422a(b)" OR "40 C.F.R. §60.5420a(b)"

"OOOOa" and w/10 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

"OOOOa" AND ("deadlines" OR "delay" OR "delays" OR "delayed" OR "delaying" OR "extend" OR "extends" OR "extending" OR "extension" OR "extensions" OR "postpone" OR "postpones" OR "postponed" OR "postponing" OR "postponement" OR "variance" OR "variances")

Upon agreement of the parties, EPA will task the regions to produce responsive paper reports and anticipates being able to produce an interim set of correspondence records within two months. EPA will continue to provide correspondence records on an interim basis, with all the correspondence productions expected to be finished within the six (6) month extension timeframe. The extension will begin when agreement is reached on the modification of the request.

As of the date of this email, we have received no response from you. EPA would like to give you the opportunity to discuss and modify your request so that we may process it. Please respond by email to powell-dickson.antoINETte@epa.gov. If you would like to discuss your request, you may contact me at 202-564-5136.

Please reply within 20 calendar days from the date of this email. If we do not hear back from you, EPA may issue a final determination to close out your request. Please note that you are not prohibited from submitting additional Freedom of Information Act requests in the future. For more information, please visit our website at: <https://www.epa.gov/foia>.

We look forward to your prompt reply.

Regards

Antoinette Powell Dickson

Antoinette Powell Dickson, Esq.

FOIA Coordinator/Records Manager

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